


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wesley, John N.	)	I hereby certify that this paper and the
Serial No.: 10/052,944	)	documents referred to as enclosed
Title: "Fragrance Throwing Liquid Candle"	)	therewith are being deposited with the
Filed: November 7, 2001	)	United States Postal Service as first class
Group Art Unit: 1744	)	mail, postage prepaid, in an envelope
Examiner: Chorbaji, Monzer R.	)	addressed to: Mail Stop Amendment,
Atty. Docket Number: 30634/36176	)	Commissioner for Patents, P.O. Box
Customer No.: 04743	)	1450, Alexandria, Virginia 22313-1450,
	)	on the date indicated:
)	
	)	<u>DECEMBER 16, 2004</u>
	)	Date
)	
	)	Aaron M. Peters
	)	Registration No. 48,801
	)	Attorney for Applicant

DECLARATION OF JOHN N. WESLEY PURSUANT TO 37 C.F.R. § 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

John N. Wesley, hereby states as follows:

1. I am the inventor for the subject matter claimed in the above-identified patent application ("the patent application").
2. I make this declaration for the purpose of providing evidence that the fragrance throwing liquid candle, as recited in the claims of the patent application, was in my possession at least as early as the October 11, 2000 filing date of LeJeune et al., U.S. Patent No. 6,290,914.
3. Attached hereto as Attachments A1 and A2 (collectively "Attachment A") are photographs of an example of a fragrance throwing liquid candle that was successfully reduced to practice by me in the United States at least as early as October 11, 2000.
4. Attachment A depicts an example of a fragrance assembly for a liquid candle, as recited by claim 1.

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5. The fragrance assembly of Attachment A includes a receptacle. The receptacle comprises a perimeter wall.
6. The fragrance assembly of Attachment A further includes a fragrant polymeric element disposed within the receptacle. A first surface of the fragrant polymeric element is in substantially continuous contact with the perimeter wall.
7. Attachment A demonstrates my possession of a fragrance assembly for a liquid candle, as recited by claim 1 in the above identified patent application, at least as early as October 11, 2000.
8. Attachment A also depicts an example of a candle, as recited by claim 17.
9. The candle of Attachment A includes a wick having an ignitable end and an absorbent end.
10. The candle of Attachment A also includes a container. The container is capable of holding a quantity of fuel, and the absorbent end of the wick would be in contact with the fuel.
11. The candle of Attachment A further includes a receptacle. The receptacle has a perimeter wall. The ignitable end of the wick extends through a portion of the receptacle.
12. The candle of Attachment A additionally includes a polymeric element. The polymeric element was impregnated with a volatile fragrant medium. The polymeric element is disposed within the receptacle. A first surface of the polymeric element is in substantially continuous contact with the perimeter wall.
13. Attachment A demonstrates my possession of a candle, as recited by claim 17 in the above identified patent application, at least as early as October 11, 2000.
14. Attachment A further depicts an example of a fragrance candle, as recited by claim 30.
15. The liquid candle of Attachment A includes a wick having an ignitable end and an absorbent end.

16. The liquid candle of Attachment A also includes a container. The container is capable of holding a quantity of fuel, and the absorbent end of the wick would be in contact with the fuel.

17. The liquid candle of Attachment A further includes a diathermic receptacle. The diathermic receptacle includes an exterior perimeter wall and an opposing interior wall. The exterior perimeter wall and the interior perimeter wall form a channel. The ignitable end of the wick extends through a portion of the interior wall.

18. The liquid candle of Attachment A additionally includes a polymeric fragrance element disposed within the channel. A generally vertical edge surface of the polymeric fragrance element is in contact with a wall of the receptacle.

19. Attachment A demonstrates my possession of a fragrance candle, as recited by claim 30 in the above identified patent application, at least as early as October 11, 2000.

20. Attached hereto as Attachment B is a document dated at least as early as October 11, 2000. The attachment has been redacted to remove date information.

21. Attachment B has been maintained as a business record in the normal course of business.

22. Attachment B is entitled "Aromatherapy Liquid Wax Cart.," and illustrates an example of a method of adding a fragrance material to a liquid candle, as recited by claim 36.

23. A fragrant thermoplastic material was heated. The thermoplastic material (Versalon 1200) comprised a polyamide resin and was melted into a liquid. An amount of fragrance (International Flavors and Fragrances [IFF] fragrance) was added to and mixed with the melted thermoplastic material. As disclosed in the patent application, an example of a polyamide resin (Versalon) is described in U.S. Patent No. 4,184,099 and incorporated by reference into the patent application. To the best of my knowledge, the fragrant thermoplastic material of Attachment B was the polyamide resin described in U.S. Patent No. 4,184,099.

24. The heated thermoplastic material was shaped to the dimensions of a receptacle to form a fragrant polymeric element. The mixture of the thermoplastic material and fragrance was poured into a mold while still hot. The mixture was cooled

and cut into the shape of a receptacle (e.g., a ring). The resultant thermoplastic material was thereby shaped to the dimensions of the receptacle.

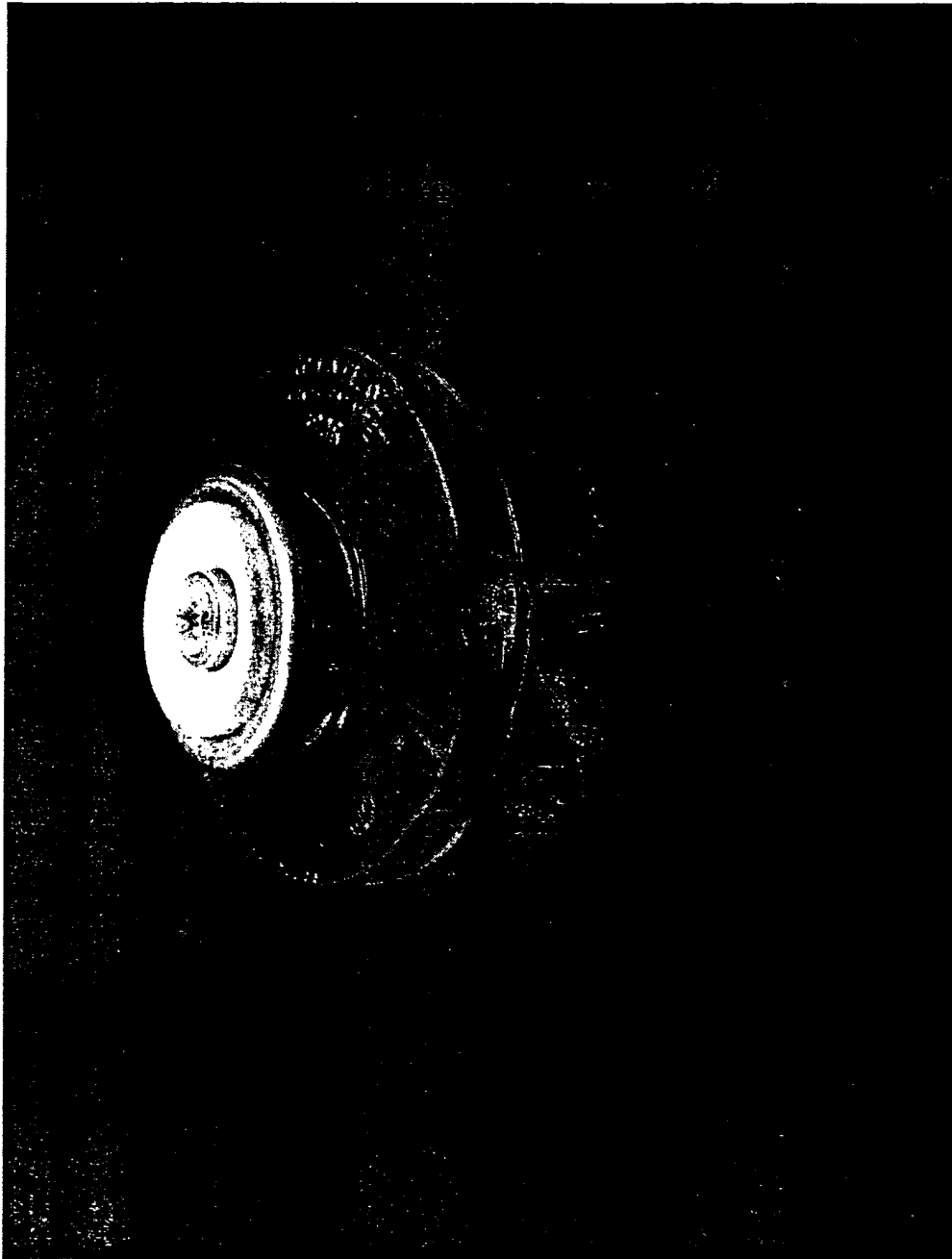
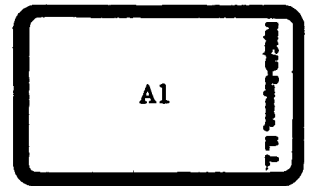
25. The fragrant polymeric element was in substantially continuous contact with a perimeter wall when placed in the receptacle. The mixture of the thermoplastic material and fragrance was cooled and cut into the shape of a receptacle (e.g., a ring). When placed in a receptacle, the resultant fragrant polymeric element was in substantially continuous contact with a perimeter wall of the receptacle.

26. Attachment B demonstrates my possession of the method of adding a fragrance material to a liquid candle as recited in claim 36 of the patent application, at least as early as October 11, 2000.

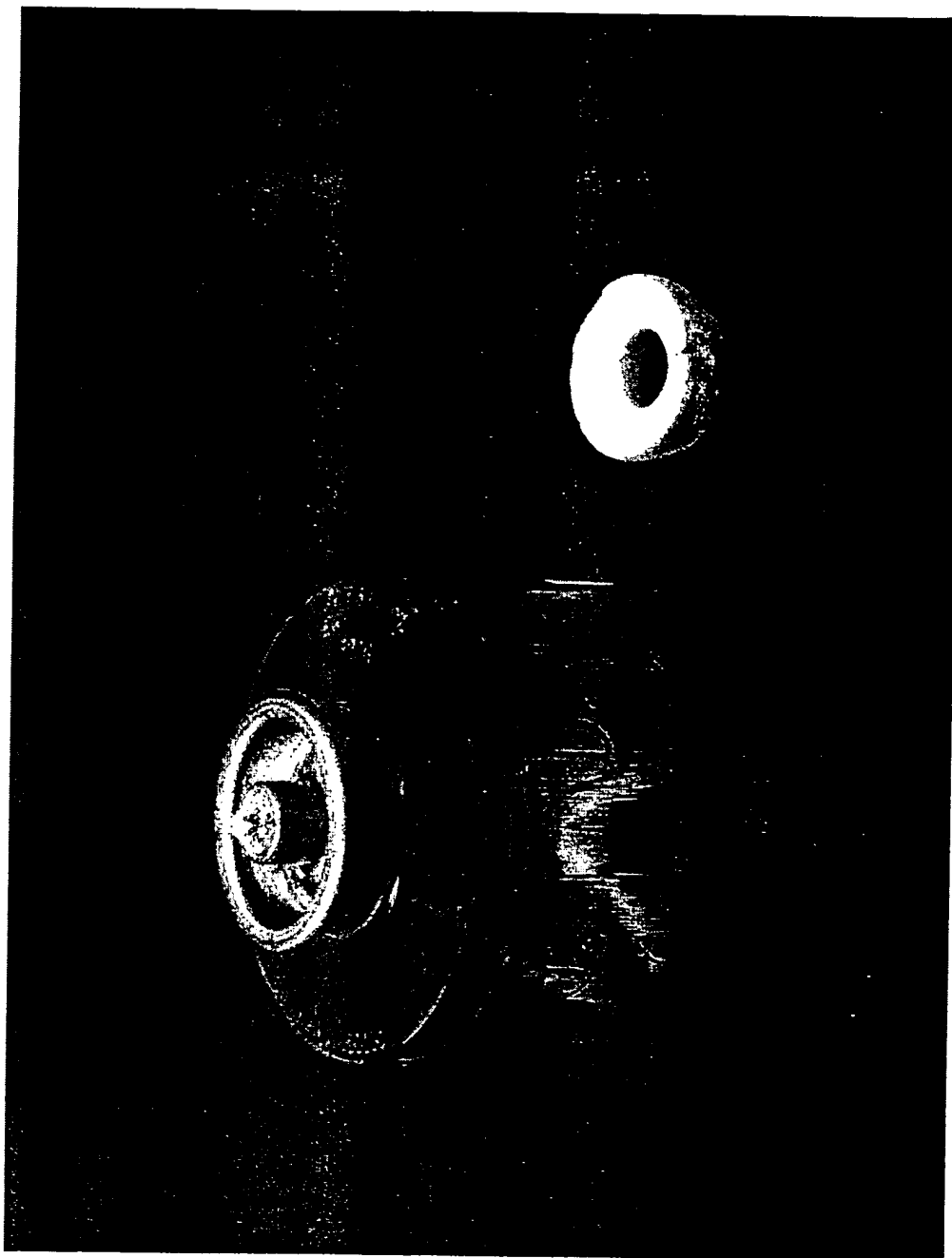
27. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the above-referenced patent application and any patent issued therefrom.

Date: 12/15/04

By: John N. Wesley
John N. Wesley



A2



Aromatherapy Liquid Wax Cart.

Project No. _____

Book No. _____

B

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Objective: Develop fragrance delivery system for OCA Liquid Wax cartridges.

IFF Light Bulb Fragrance Ring Technology (S-6486-11)

<u>Ingredients</u>	<u>Wt. %</u>
Versalon 1200 (Merkel)	65.00
IFF Fragrance w/35% Freesin	35.00
	100.00

Procedure:

Melt Versalon into liquid.
ADD Fragrance & mix well.
Pour into mold while still hot.
Cool to $\leq 40^{\circ}\text{C}$ & cut into rings

Candle Syrup (IFF Belled Fragrance)

<u>Ingredient</u>	<u>Wt. %</u>
Fragrance oil - IFF	95.00
Abasil M-5 (Fumed Silica)	5.00
	100.00

Procedure:

Slowly sift in Silica
Mix until uniform gel is formed

Note: The Versalon 1200 based IFF Fragrance ring performed best (i.e. no flow & flaring).

The Candle Syrup flashed & caught fire due to high fragrance level. Unacceptable!

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Used & Understood by me,

Date

Invented by

Sph. Wesley

Date

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